

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**JOAN MILLER, Individually,
and MILLER MARKETING,
INC., a Minnesota Corporation,**

Plaintiffs,

v.

**JOHN E. KUPIEC, and
CANADIAN AMERICAN
CORPORATION,
a Michigan Corporation,**

Defendants.

No. 03-CV-0406-DRH

ORDER

HERNDON, District Judge:

On September 28, 2005, the Court set this matter for trial on November 14, 2005 (Doc. 16). On September 29, 2005, Defendant's counsel, Patrick Knight, filed a letter that the Court construes as a motion to continue trial (Doc. 17). Defense counsel requests a continuance because he has another case set for trial that

same day. The Court **DENIES** the motion as this is a “back up” case. The Court has another case set first out on November 14, 2005. In the event that counsel’s other case settles and the first out case settles, counsel should be ready for trial. If neither of the cases settle, this matter will not be tried on November 14, 2005 and counsel shall contact the Court’s chambers that day.

IT IS SO ORDERED.

Signed this 30th day of September, 2005.

/s/ David RHerndon
United States District Judge